

MEMO ENDORSED

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September 30, 2024

VIA ECF

Hon. Valerie E. Caproni
United States District Judge
40 Foley Square
New York, NY 10007

Re: United States v. Juan Mercado
24 CR 279 (VEC)

Dear Judge Caproni:

I write in response to Your Honor's September 29, 2024 Order directing the Defendant to file a letter if he wants a *Fatico* hearing on the question of whether Defendant ever demanded a bribe or made a bribe a precondition to the assignment of new work or payment for work already performed.

At the time of his plea of guilty before Your Honor, Mr. Mercado admitted that he accepted bribes from vendors in that from about 2014 to 2023, while he was superintendent at NYCHA housing complexes, on a number of occasions he anticipated and accepted money from vendors who did work on NYCHA property, and the monies he received played a role in selecting the vendors for the work.

Mr. Mercado stands by his plea and accepts full responsibility for what he did. However, he remains adamant that at no time did he demand a bribe or made paying a bribe a precondition to the assignment of new work or payment for work already performed.

Accordingly, Defendant requests a *Fatico* hearing on these these specific allegations,

Respectfully Requested,

/s/

Harvey Fishbein

cc: All parties (via ECF)

Application GRANTED. Mr. Mercado's sentencing, currently scheduled for October 1, 2024, is ADJOURNED *sine die*. A Fatico hearing for Mr. Mercado will be held on Friday, October 18, 2024, at 10:30 A.M. in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. Any pre-hearing submissions must be filed not later than Friday, October 11, 2025. The government is encouraged to produce 3500 material to Defendant by October 11, 2025.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Valerie Caproni".

9/30/24

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE